



basis that the amount in controversy exceeds \$75,000.00 and its between citizens of different states.

**Statement of Facts**

5.

On or about June 24, 2016, the Plaintiff, Diane Harris, was a business invitee on the premises of the Wal-Mart store located on 11610 South Memorial Parkway in Huntsville, Alabama. Ms. Harris, while a business invitee upon the premises, was caused to slip in a wet substance, near the freezer section, that had been allowed to accumulate on the floor. As a direct and proximate cause of the water accumulation, Ms. Harris sustained severe and permanent injuries about her body for which she has undergone multiple treatments.

6.

At the time of the incident giving rise to this lawsuit, the Wal-Mart store was owned, managed, maintained, or otherwise occupied and under the control of Defendant Wal-Mart.

7.

At all times relevant to the facts alleged in this lawsuit, Plaintiff Harris was exercising due care for her own safety.

**Cause of Action – Negligence/Wantonness**

8.

Plaintiff re-alleges and incorporates herein by reference each and every allegation set forth above.

9.

The Plaintiff avers that all of her injuries and damages were proximately caused by the negligence and/or wantonness of the Defendant, Wal-Mart.

10.

At the time of the incident which is the subject of this action, Ms. Harris was a business invitee on the premises of the Wal-Mart store located in Huntsville, Alabama. All of her injuries and damages were caused by the negligent and/or wanton failure of the Defendant, Wal-Mart.

11.

Plaintiff avers that the negligence and/or wantonness of Defendant Wal-Mart and/or its agents, servants, or employees, includes but is not limited to the following actions and/or omissions:

- (a) Allowing water to accumulate on its premises;
- (b) Failing to properly inspect its premises for water/or slippery substances;
- (c) Failing to maintain its premises free of water and/or slippery substances;
- (d) Failing to take action to prevent water from accumulating on its premises;
- (e) Failing to follow its own training and/or policies/procedures;
- (f) Failing to properly train its employees on preventing, correcting and/or warning of water/slippery substance accumulation on its premises;
- (g) Failing to implement policies and/or procedures to allow for timely inspection, cleaning, drying, and/or warning of hazardous conditions on its premises;
- (h) Failing to warn its business patrons of hazardous conditions on its premises;
- (i) Creating the hazardous slippery condition on its premises;
- (j) It was otherwise negligent and/or wanton

12.

As a direct and proximate result of one or both of the breaches of duty and acts of negligence described above, Plaintiff Harris sustained serious personal injuries.

***Damages***

13.

As a result of the negligent and/or wanton acts or omissions of the Defendant, the Plaintiff suffered physically, emotionally and financially, and now seeks to recover for the following injuries and damages:

- (a) Past medical expenses;
- (b) Future medical expenses;
- (c) Past and future wage loss including permanent impairment of earning capacity;
- (d) Permanent physical disability;
- (e) Past and future physical pain and mental anguish; and
- (f) Other damages allowed by law.

14.

The acts and/or omissions of the Defendant, which caused the Plaintiff to slip, fall, and subsequently sustain significant permanent injuries and damages, were carried out with a reckless, conscious, and/or deliberate disregard for the rights and safety of the Plaintiff. Therefore, the Defendant's actions and/or omissions are considered "wanton" under Alabama law, which give rise to an award of punitive damages under Title 6, Section 6-11-20 of the Alabama Code.

15.

As damages, the Plaintiff seeks fair and reasonable compensation, and respectfully demands the following relief against the Defendant:

- (a) Compensatory damages in an amount to be determined by a jury at trial;
- (b) Punitive damages in an amount to be determined by a jury at trial;
- (c) All costs and interests allowable by law;

(d) All such other relief to which the Plaintiff is entitled, and as this Court may deem appropriate and equitable.

***Jury Demand***

16.

The Plaintiff demands trial by jury.

Respectfully submitted this the 8<sup>th</sup> day of June 2018.

/S/Shari' V. Morris  
Shari' V. Morris (ASB-4220-Z14I)  
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**PLAINTIFF'S ADDRESS:**

Diane Harris  
4862 School Street Apt. 1118  
Acworth, Georgia 30101

**DEFENDANT TO BE SERVED BY CERTIFIED MAIL AS FOLLOWS:**

WAL-MART STORES EAST, LP  
c/o The Corporation Company  
2000 Interstate Park Drive  
Montgomery, AL 36109